

**Agenda Item: 13-9**

**Meeting Date: October 13 and 14, 2004**

## STATE WATER RESOURCES CONTROL BOARD'S PERIODIC REVIEW OF ITS BAY-DELTA WATER QUALITY CONTROL PLAN

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**Summary:** Both the California Water Code and Federal Clean Water Act require that water quality standards be reviewed periodically. The State Water Resources Control Board has announced it will consider holding a series of workshops to consider potential revisions to its 1995 Water Quality Control Plan for the Bay-Delta.

**Recommended Action:** This is an informational item only. No action will be taken.

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### **Background**

On September 14, 2004, the State Water Resources Control Board (SWRCB) heard public comments concerning the proposal by its staff to conduct workshops this fall on various issues surrounding water quality objectives contained in its 1995 Water Quality Control Plan. On September 30, 2004, SWRCB will be asked to approve a resolution adopting the recommendations in the staff report, including minor amendments that occurred as a result of comments received. The staff report can be viewed at <http://www.waterrights.ca.gov/baydelta/Triennial%20Plan.htm>.

The staff proposal is to schedule a number of workshops from October 27, 2004 through February 10, 2005 (Attachment 1). It is proposed that the workshops include the following topics in the order set forth below:

1. Changes to the water quality compliance and baseline monitoring program
2. Delta Cross Channel gates closure
3. Salmon protection objective
4. Chloride objectives, compliance location at Contra Costa Canal at Pumping Plant #1, and potential new objectives
5. Delta outflow
6. Export Limits
7. River flows: Sacramento River at Rio Vista
8. River flows: San Joaquin River at Airport Way Bridge, Vernalis: February – April 14 and May 16 – June
9. Flow Objectives in the San Joaquin River at Airport Way Bridge, Vernalis: 31-day pulse flow April 15 – May 15
10. Southern Delta electrical conductivity
11. Other changes to the Program of Implementation

Comments regarding the specifics of any particular objective that may be under review will be taken at the informal workshops tentatively scheduled beginning in October and continuing through February of 2005. After SWRCB concludes these workshops, SWRCB staff will propose specific revisions to the 1995 Plan and will prepare the necessary environmental documents associated with those revisions. If revisions are recommended, SWRCB will consider those revisions at a future workshop.

### **List of Attachments**

Attachment 1- Revised Notice of Public Workshop

### **Contact**

Gita Kapahi, Chief  
Special Projects Unit, Division of Water Rights  
State Water Resources Control Board

Phone: (916) 341-5289



**Terry Tamminen**  
*Secretary for  
Environmental  
Protection*

# State Water Resources Control Board

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Attachment 1



**Arnold Schwarzenegger**  
*Governor*

**Division of Water Rights**  
1001 I Street, 14th Floor, Sacramento, California 95814  
P.O. Box 2000, Sacramento, California 95812-2000  
(916) 341-5300 ♦ FAX (916) 341-5400 ♦ <http://www.swrcb.ca.gov>

## REVISED NOTICE OF PUBLIC WORKSHOP

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### Consideration of Potential Amendments or Revisions of the Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary

Commencing at 9:00 a.m. on October 27, 2004 and  
continuing on October 28 and 29;  
November 15, 16 and 17  
January 10, 11 and 12, 2005,  
January 18, 19 and 24 and  
continuing on January 25, 26 and 27,  
February 7, 8, 9 and 10  
(additional days may be added as necessary)

at Joe Serna, Jr. (Cal EPA) Building  
Sierra Hearing Room or Coastal Hearing Room  
1001 I Street  
Sacramento, California

Note 9:00 a.m. start on initial day and various starting times and  
locations on subsequent days.  
See table for specific times and locations.

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## SUBJECT OF WORKSHOP

The purpose of this multiple-date workshop is to receive information and conduct detailed discussions regarding specific plan amendments or revisions of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary adopted in 1995 (1995 Plan).

## BACKGROUND

Under its authority to protect beneficial uses of water, the State Water Resources Control Board (SWRCB) adopted the 1995 Plan on May 22, 1995, in Resolution No. 95-24. The 1995 Plan superseded the Water Quality Plan for Salinity (adopted in May 1991, in Resolution No. 91-34) and the Water Quality Control Plan for the Sacramento-San Joaquin Delta and Suisun Marsh (adopted in August 1978, in Resolution No. 78-43). Water Code section 13240 requires that water quality control plans be periodically reviewed. The federal Clean Water Act, at

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*California Environmental Protection Agency*

section 303(c) (33 U.S.C., § 1313(c)) requires a triennial review of state water quality “standards,” as defined in the Act.

The SWRCB conducted a periodic review of the 1995 Plan earlier in 2004. At a workshop on the periodic review, held by the SWRCB on January 8, 2004, and in written comments filed by February 5, 2004, numerous participants recommended that the SWRCB adopt various amendments of the 1995 Plan. SWRCB staff members have compiled a staff report<sup>1</sup> detailing the comments and making staff recommendations as to the parts of the 1995 Plan that the SWRCB should or should not consider amending. The draft staff report was modified to reflect changes following the September 14, 2004, SWRCB workshop.

## **WORKSHOP SCHEDULE AND TOPICS**

### **Times and Hearing Room Locations of Public Workshop**

October 27, 2004	9:00 a.m.	Sierra
October 28, 2004	9:00 a.m.	Sierra
October 29, 2004	9:00 a.m.	Sierra
November 15, 2004	9:00 a.m.	Sierra
November 16, 2004	10:00 a.m.	Coastal
November 17, 2004	9:00 a.m.	Sierra
January 10, 2005	10:00 a.m.	Central Valley
January 11, 2005	9:00 a.m.	Central Valley
January 12, 2005	9:00 a.m.	Central Valley
January 18, 2005	10:00 a.m.	Sierra
January 19, 2005	9:00 a.m.	Sierra
January 24, 2005	10:00 a.m.	Sierra
January 25, 2005	9:00 a.m.	Central Valley
January 26, 2005	9:00 a.m.	Sierra
January 27, 2005	9:00 a.m.	Central Valley
February 7, 2005	10:00 a.m.	Sierra
February 8, 2005	9:00 a.m.	Sierra
February 9, 2005	9:00 a.m.	Sierra
February 10, 2005	9:00 a.m.	Sierra

The workshop will address the topics recommended in the staff report on the periodic review. The SWRCB will consider adopting the staff report at the September 30, 2004 Board Meeting.

The workshop will include the following topics in the order set forth below. To assist the parties in preparing for the workshop, key questions are listed under each topic.

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<sup>1</sup> The revised staff report is available at <http://www.waterrights.ca.gov/baydelta/Triennial%20Plan.htm> or by calling Ms. Gita Kapahi at (916) 341-5289, or via U.S. mail: Ms. Gita Kapahi, Chief, Bay/Delta Unit, P.O. Box 2000, Sacramento, CA 95812-2000.

**1. Changes to the water quality compliance and baseline monitoring program**

Should the SWRCB amend the Water Quality Compliance and Baseline Monitoring Program (Table 4 of the 1995 Plan) by modifying compliance/baseline stations C9, C10, D10, D12, D22, D24 and S42, adding baseline monitoring at one compliance station (D29), or making a proposed change in the sampling interval for the EMP? What should be the modifications, and what are the scientific and legal arguments in support of and against such modifications?

**2. Delta cross channel gates closure**

Is new information available regarding the effects of operation of the Delta Cross Channel gates?

Should the SWRCB amend the Delta Cross Channel Gates Closure Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan)? How should the objective be modified and what are the scientific and legal arguments in support of and against such modifications?

**3. Salmon protection objective**

Should the SWRCB amend the narrative Salmon Protection Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan)? How should the value or description be modified and what are the scientific and legal arguments in support of and against such modifications?

**4. Chloride objectives, compliance location at Contra Costa Canal at Pumping Plant #1, and potential new objectives**

Should the SWRCB amend the value or description of the 150 mg/l Chloride Objective in the Water Quality Objectives for Municipal and Industrial Beneficial Uses (Table 1 of the 1995 Plan)? How should the value or description be modified and what are the scientific and legal arguments in support of and against such modifications?

Should the SWRCB amend compliance location C-5 (CHCCC06) in the Water Quality Objectives for Municipal and Industrial Beneficial Uses (Table 1 of the 1995 Plan)? This location is at the entrance to the Contra Costa Canal at Pumping Plant #1. How should the location be modified and what are the scientific and legal arguments in support of and against such a modification?

Should the SWRCB adopt new water quality objectives for the Municipal and Industrial Beneficial Uses (Table 1 of the 1995 Plan) for constituents such as bromides or other precursors of disinfection by-products and TOC? What are the scientific and legal arguments in support of and against the adoption of such objectives?

## **5. Delta outflow**

Should the SWRCB amend the Delta Outflow Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan) by adding flexibility to the value of the objective or by modifying footnote 14 to allow alternative methods to meet the objective? How should the value or footnote 14 be modified and what are the scientific and legal arguments in support of and against such modifications?

## **6. Export limits**

Should the SWRCB amend the Export Limits Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan) by modifying (1) footnote 23 to increase the flexibility in selecting the accounting standard to follow when determining export/import ratio, (2) the manner in which in-delta releases are accounted for by the export/import accounting standard, and (3) the export limits contained in footnote 22? How should the footnotes or accounting procedures be modified and what are the scientific and legal arguments in support of and against such modifications?

## **7. River flows: Sacramento River at Rio Vista**

Should the SWRCB amend the flow objectives for the Sacramento River at Rio Vista (Table 3 of the 1995 Plan) by adding flexibility to the value of the objective? How should the objectives be modified and what are the scientific and legal arguments in support of and against modification?

## **8. River flows: San Joaquin River at Airport Way Bridge, Vernalis: February - April 14 and May 16 – June**

Should the SWRCB amend the flow objectives for the San Joaquin River at Airport Way Bridge, Vernalis, for February through April 14 and May 16 through June in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan)? How should the objectives be modified and what are the scientific and legal arguments in support of and against modification?

Should the SWRCB change the methodology for determining the applicable San Joaquin River flow objectives that currently are determined by reference to the required Delta Outflow objective? How should the methodology for determining required flows be modified and what are the scientific and legal arguments in support of and against modification?

**9. Flow Objectives in the San Joaquin River at Airport Way Bridge, Vernalis:  
31-day pulse flow April 15 - May 15**

Should the SWRCB amend the April 15 through May 15 San Joaquin River 31 day pulse flow objectives in the Water Quality Objectives for Fish and Wildlife Beneficial Uses? How should the objectives be modified and what are the scientific and legal arguments in support of and against modification?

Should the SWRCB include flexibility in the San Joaquin River pulse flow objectives or revise the objectives to specify criteria for staged implementation of the objectives or variances from the objectives? What amendments should be considered and what are the scientific and legal arguments in support of and against modification?

**10. Southern Delta electrical conductivity**

Should the SWRCB amend the 0.7 mmhos/cm and 1.0 mmhos/cm Southern Delta Electrical Conductivity (EC) Objectives in the Water Quality Objectives for Agricultural Beneficial Uses (Table 2 of the 1995 Plan) to be reflective of salinity tolerances of crops currently grown in the southern Delta? How should the objectives be modified and what are the scientific and legal arguments in support of and against modification?

Should the SWRCB change the methodology for determining compliance with the Southern Delta EC objectives to ensure the protection of agricultural beneficial uses? How should the methodology for determining compliance be modified and what are the scientific and legal arguments in support of and against such a modification?

Should the SWRCB change the effective period of the 0.7 mmhos/cm and 1.0 mmhos/cm Southern Delta EC objectives? How should the effective periods be modified and what are the scientific and legal arguments in support of and against modification?

**11. Other Changes to the Program of Implementation**

Should the SWRCB amend the Program of Implementation for the 1995 Plan to account for changes to the regulatory environment and existing law or recent actions taken to improve habitat and meet water quality objectives? What modifications should the SWRCB make to the Program of Implementation, and what are the scientific and legal arguments in support of and against such modifications?

For each of the amendments that a party proposes that the SWRCB make to Tables 1, 2, 3, or 4 of the 1995 Plan, how should the Program of Implementation be updated and what are the scientific and legal arguments in support of and against such modifications?

## PROCEDURAL MATTERS

The workshop will commence at 9:00 a.m. on October 27, 2004 and will continue through the workshop schedule from one topic to the next until discussion of all topics is completed. It is anticipated that the first three issues will be presented during the October and November dates of workshop. It is likely that the January workshop will begin with the discussion of chloride objectives. At the close of each workshop day, staff will post on the Division website an update as to what topics were covered on that day, which topic will be addressed at the beginning of the following workshop day, and any changes to the meeting schedule. At the beginning of each topic, the Board member leading the workshop will determine the order of the presentations. Participants are encouraged to summarize their written materials. To ensure that the workshop moves efficiently and that everyone has an opportunity to participate, the SWRCB reserves the right to subject oral presentations to time limits. Participants with similar comments are requested to make joint presentations. Due to the continuous nature of the workshop, all participants should be prepared early in the workshop to address all of the topics in which they have an interest.

The workshop will be informal. There will be no sworn testimony or cross-examination of participants, but the SWRCB and its staff may ask clarifying questions.

The purpose of the workshop is to gather relevant information. This workshop is part of a quasi-legislative proceeding, and the participants are encouraged to provide adequate documentation to support their proposals or their opposition to the proposals of others. All information acquired and relied upon in preparing a Plan amendment or revision will be included in the administrative record. If adequate information is not provided during the workshop sessions or in the submitted written materials, the SWRCB staff may seek additional information through direct contacts with participants and other persons or entities, through literature searches, or by other means. All contacts will be recorded and included in the administrative record of any Plan amendment or revision resulting from this proceeding.

After the workshop, the SWRCB staff will prepare plan amendments or a revised plan, including appropriate environmental documentation in accordance with Public Resources Code section 21080.5. (See Cal. Code Regs., tit. 14, § 15251(g), and tit. 23, § 3775, et seq.) After staff has prepared the draft plan amendments or a draft revised plan and environmental documentation, the SWRCB will provide notice of a public hearing to consider whether to adopt the proposed amendments or revised plan, pursuant to Water Code section 13244. After the hearing, the SWRCB will prepare responses to comments on significant environmental points and will then schedule a Board meeting to vote on a resolution adopting the plan amendments or revised plan.

No later than the first day of workshop for each issue, participants should submit documents that include: (1) detailed written technical information, (2) recommended language for plan amendments or revisions, and (3) legal justification for the plan amendments or revisions they are seeking. Please submit information in advance if possible. At the workshop, the participants will be given an opportunity to supplement their written materials with oral presentations. Final



comments on a topic will be due 30 days after discussion of a topic. SWRCB will accept comments responsive to other parties' comments on all topics within 45 days after completion of the last topic.

The SWRCB requests that an original plus 16 copies of written comments be sent to:

Debbie Irvin, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812

Written comments may also be sent by electronic mail to [dirvin@swrcb.ca.gov](mailto:dirvin@swrcb.ca.gov), faxed to Ms. Irvin at (916) 341-5620, or delivered by hand to the following address:

State Water Resources Control Board  
Cal/EPA Headquarters  
1001 "I" Street  
Sacramento, CA 95814

Couriers delivering comments must check in with lobby security and have them contact the SWRCB's first floor mailing room. Any comments sent by electronic mail or fax must be followed by a mailed hard copy with an original signature.

All documents submitted timely will be posted on the Division of Water Rights website at <http://www.waterrights.ca.gov/baydelta/Triennial%20Plan.htm>. Each participant is requested to bring additional copies of any written submittals to the workshop for the use of the other participants on the day the participant expects to make a presentation.

## **PARKING AND ACCESSIBILITY**

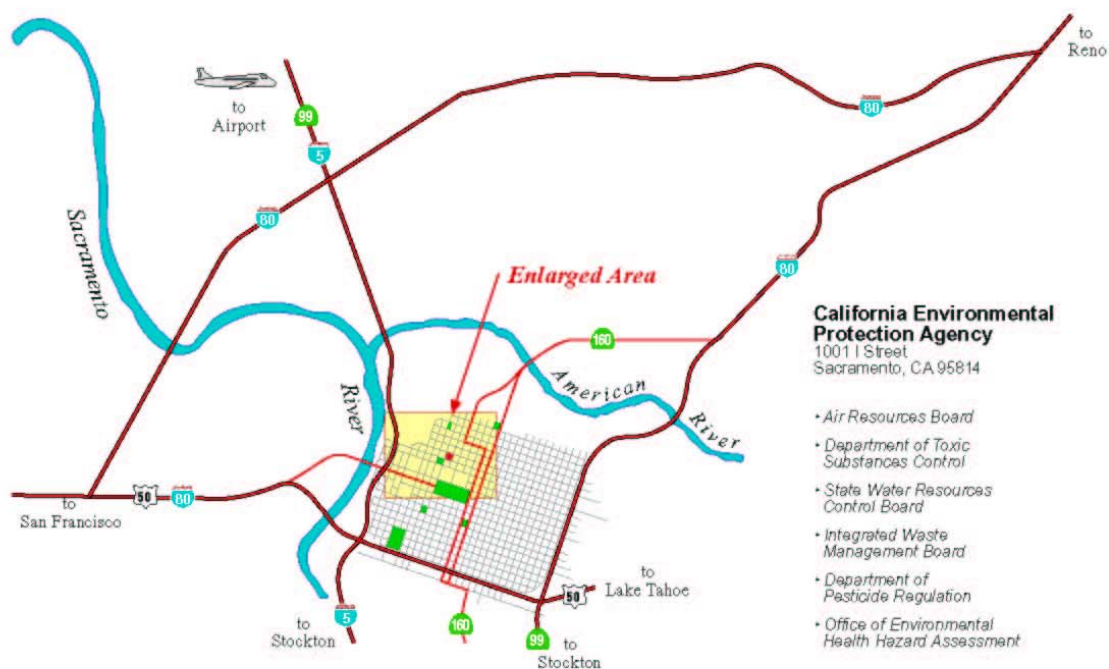
The enclosed maps show the location of the Joe Serna, Jr. (Cal EPA) Building and public parking sites in the immediate vicinity. The Sierra and Coastal Hearing Rooms in the Joe Serna, Jr. (Cal EPA) Building are accessible to persons with disabilities.

Due to enhanced security precautions at the Joe Serna, Jr. (Cal EPA) Building, all visitors are required to sign in prior to attending any meeting. Visitors must sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

**ORIGINAL SIGNED BY**

Debbie Irvin  
Clerk to the Board  
Dated: September 17, 2004

Enclosure



### Parking Lot Locations



### Parking Lot Locations

- Lot 1 (7th & G St.)
- Lot 2 (7th & G St.)
- Lot A (7th & Capitol)
- Lot C (14th & H St.)
- Lot G (3rd & L)
- Lot H (10th & L)
- Lot I (10th & I, 11th & I)
- Lot K (6th & J/L, 7th & K)
- Lot P (2nd & I)
- Lot U (5th & J)
- Lot W (2nd & I St.)